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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.857 OF 2005
IN
SUIT NO.702 OF 2005

Devidas Maruti Suryavanshi).. Plaintiff

Versus

Mrs.Sayabai Maruti Suryavanshi & ors.).. Defendants

Mr.P.B. Kakade for the Plaintiff.

None present for Defendant Nos.1 to 4.

Ms.Madhavi Gaikwad i/b.K.V. Tembe for Defendant No.5.

CORAM : SMT. NISHITA MHATRE, J.

DATED : 16TH JUNE 2006

P.C.:

. Defendant No.1 is the wife of the deceased Maruti Ganu Suryavanshi. The Plaintiff is their son. Defendant Nos.2 and 3 are their daughters. The learned Advocate for Defendant No.5 Bank submits a statement showing the fixed deposit receipts held in the name of the deceased alone or with one of the family members. Statement taken on record and marked "X" for identification. According to the learned Advocate for the Bank, Fixed Deposit Receipt Nos.119140 and 118551 are in the name of the deceased and Defendant No.1 and Fixed Deposit Receipt No.120562 is in the name of the deceased. All the three fixed deposits have already

matured and the money remains with the Bank. The learned Advocate submits that the Bank is willing to deposit the amount in this Court and the Bank may be discharged.

2. Heard Advocates.

3. Defendant No.5 Bank to deposit the amounts of Fixed Deposit Receipts lying with it in this Court within a week from today. The amount so deposited shall be invested in a Fixed Deposit of a Nationalised Bank initially for a period of three years to be renewed thereafter till the disposal of the Suit. On the Bank depositing the amount in this Court, Defendant No.5 Bank is discharged.

4. As regards the amount invested in the Post Office, Defendant No.4 is directed not to release the amount on maturity without obtaining orders from this Court.

5. Notice of Motion disposed off accordingly.